

AMENDMENTS TO THE DRAWING:

Please amend the drawings of the above-identified application as follows:

Please replace the 55 original drawing sheets with the 55 replacement drawing sheets filed with this Reply.

Attachments: Fifty-five (55) replacement drawing sheets, including Figs. 1-71.

REMARKS

In the Office Action¹, the Examiner objected to the drawings; rejected claims 232, 234-247, 255, 256, 258-263, and 267-270 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0088379 to Phillips et al. ("*Phillip*") in view of U.S. Patent No. 7,026,375 to Stevens ("*Stevens*"); rejected claims 233 and 266 under 35 U.S.C. 103(a) as being unpatentable over *Phillips* in view of *Stevens* and further in view of U.S. Patent No. 6,083,434 to Strebel ("*Strebel*"); rejected claims 248-254 under 35 U.S.C. 103(a) as being unpatentable over *Phillips* in view of *Stevens* and further in view of U.S. Patent Application No. 5,666,886 to Alexander et al. ("*Alexander*"); rejected claim 257 under 35 U.S.C. 103(a) as being unpatentable over *Phillips* in view of *Stevens* and further in view of U.S. Patent Application Publication No. 2002/0119215 to Ettlinger ("*Ettlinger*"); rejected claims 264, 265, and 269 under 35 U.S.C. 103(a) as being unpatentable over *Phillips* in view of *Stevens* and further in view of U.S. Patent Publication No. 2002/0030597 to Muirhead ("*Muirhead*"); and rejected claim 270 under 35 U.S.C. 130(a) as being unpatentable over *Phillips* in view of *Stevens* and further in view of U.S. Patent No. 5,170,933 to Perry ("*Perry*").

Applicant respectfully traverses the objection to the drawings. Applicant has amended the drawings to address the Examiner's concerns. Accordingly, Applicant requests that the objections be withdrawn.

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant decline to automatically subscribe to any statement or characterization in the Office Action.

Applicant respectfully traverses the rejections of the claims under 35 U.S.C.

§103(a). The rejections set forth in the outstanding Office Action assert that the "product-by-process limitation "rotationally-moulded" in the preamble would not be expected to impart distinctive structural characteristics to the load carrying apparatus. Therefore, the claim the load carrying apparatus is not different and unobvious from the pallet of Phillips, as modified by Stevens." Applicant respectfully submits that the Office Action's assertions are incorrect. The cited art, alone or in combination, does not address the structural differences imparted by the words "rotationally-moulded," as recited in independent claim 232.

Phillips discloses two methods for forming a pallet. The first method includes spraying a conventional pallet within the elastomeric material on the surface of the pallet. ¶ [0010]. In *Phillips*, a conventional pallet means any pallet that is made with wood or compressed wood. ¶ [0011]. Alternatively, *Phillips* discloses constructing a pallet using polymeric boards or sheets created by a thermoforming process. ¶¶ [0022] and [0023]. The methods of adhering the boards for constructing the pallet disclosed by *Phillips* include nails, screws, adhesives, or combinations thereof. Accordingly, a *Phillips* pallet would clearly have a laminated structure that would be very different both in appearance and structural properties from a rotationally molded pallet. Indeed, Applicant's specification explicitly states that "rotationally may be preferable . . . since the process introduces at fewer stresses into the molded product."

For example, if the thermoforming process of *Phillips* results in the bending of the sheets (for example to form legs), then the *Phillips* pallet also has very different physical

properties, as these boards will have significant stresses compared to the corners formed by rotational molding (which are essentially stress-free).

For at least these reasons, there are significant structural differences between a *Phillips*' pallet and the "rotationally-moulded load-carrying apparatus" of independent claim 232. The additional art cited in the outstanding Office Action, alone or in combination with *Phillips*, fails to cure the deficiencies of *Phillips*. "The structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially . . . where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product." MPEP §2113. However, the outstanding Office Action fails to address these significant structural differences. Accordingly, Applicant requests the rejection be withdrawn.

Claims 233-270 depend from claim 232 and distinguish over the cited art for least the same reasons as discussed above.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: March 1, 2010

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Attachments: Fifty-five (55) replacement drawing sheets, including Figs. 1-71.

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